UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 APR 21 AM 10:43

UNITED STATES OF AMERICA Plaintiff	)	'08 MJ 1209 Case No.
	)	
	)	COMPLAINT FOR VIOLATION OF
VS	)	
	)	21 U.S.C. Sections 952 & 960, Importation of a Controlled Substance
	)	
Adrian Jova ROCHA Defendant	)	

The undersigned complainant being duly sworn states:

COUNT 1

That on or about April 18, 2008, within the Southern District of California, Adrian Jova ROCHA did knowingly and intentionally import approximately 9.20 kilograms of Methamphetamine, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Nathan A. Emery, Senior Special Agent
U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence, this 21st day of April 2008.

United States Magistrate-Judge

PROBABLE CAUSE STATEMENT

I, Special Agent Ryan Preciado declare under penalty of perjury, the following is true and correct.

On April 18, 2008, at approximately 6:45 am, Adrian Jovan ROCHA (ROCHA) applied for entry into the United States, from Mexico, at the San Ysidro, CA Port of Entry (POE) as the driver of a silver 2005 Toyota Matrix bearing California license plate 5RID151. Canine Enforcement Officer (CEO) Benjamin Joseph approached the Toyota driven by ROCHA. CEO Joseph received two (2) negative declarations from ROCHA. CEO Joseph noticed ROCHA was breathing heavy during their conversation. CEO Joseph requested a canine. CEO David O'Connor utilized his Narcotic Detector Dog (NDD) on the Toyota. CEO O'Connor noticed his NDD "REXO" (CG-20) alerted to the rear taillight area. ROCHA was handcuffed and escorted into the Security Office.

Customs and Border Protection Officer (CBPO) Tobin assumed inspection of the Toyota in the secondary lot. CBPO Tobin conducted a 7-point inspection of the Toyota resulting in the discovery of a non-factory compartment located under the rear trunk area. CBPO Tobin probed a random package revealing a substance that field-tested presumptive positive for methamphetamine. A total of fourteen (14) packages were removed from the non-factory compartment weighing approximately 9.20 kgs.

On April 18, 2008, at approximately 10:50 am, ROCHA was read his rights in the English language from a pre-printed Miranda Rights form in the presence of U.S. Immigration and Customs Enforcement (ICE) Special Agent (SA) Ryan

Preciado and SA Nathan Emery. ROCHA waived his right to remain silent and indicated that he would answer questions without an attorney present. During the interview, ROCHA admitted to being paid $1,500 USD to cross the Matrix into the United States. ROCHA believed the Matrix contained narcotics.

Adrian Jovan ROCHA was arrested, charged with violating Title 21, United States Code, Sections 952 & 960. ROCHA was then transported to the Metropolitan Correctional Center, San Diego, CA, for Federal Custody and Judicial Proceedings.

I find probable cause to believe that the defendant, Adrian Jovan ROCHA, committed the offense of the Importation of a Controlled Substance (21 USC 952 & 960) on April 18, 2008.

Executed on April 18, 2008 at 4:00 pm.

Ryan Preciado
Special Agent/ICE

4/18/2008 @ 1700
Date/Time

United States Magistrate Judge

4/18/08 @ 8:12 p.m.
Date/Time

TOTAL P.03

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UNITED STATES OF AMERICA Plaintiff VS Adrian Jova ROCHA Defendant	)))))))	Case No. COMPLAINT FOR VIOLATION OF 21 U.S.C. Sections 952 & 960, Importation of a Controlled Substance

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